ssm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.936 OF 2007**
**IN**
**APPEAL NO. 208 OF 2000**
**IN**
**REVIEW PETITION NO. 8 OF 2000**
**IN**
**NOTICE OF MOTION NO. 2191 OF 1994**
**IN**
**NOTICE OF MOTION NO. 1529 OF 1995**
**IN**
**NOTICE OF MOTION NO. 374 OF 1997**
**IN**
**SUIT NO. 3387 OF 1994**

M/s. Shah Enterprises ...Appellants.

Vs.

Prithvi Vallabh Bhalchandra Rawat
and Ors. ...Respondents.

AND

1(a) Subhash Ramkrishna Pandit
& Ors. ...Co-Respondents.

Mr. Lapasiya and Y.M. Chaudhari i/by M/s. Niranjan and Co. for the Appellants.

Ms. Patrawala i/by Mr. Pravin Mehta & Mithi & Co. for intervenor.

Mr. S.A. Sawant with Mr. Kantilal Kanojia i/by Mr. P.N. Patwardhan for the Respondent Nos. 1 and 2.

Mr. D.V.Sutar for the Respondent No. 3(c).

**CORAM : DR.S.RADHAKRISHNAN &**
**ANOOP V. MOHTA, JJ.**

**DATED : 19TH DECEMBER, 2007**

**P.C.**

. Heard the learned counsel for the Appellants, the

learned counsel for Respondent Nos. 1 and 2 and the Respondent No.3(c). The learned counsel for the Appellants tendered the affidavit of service. Respondent Nos.3(a) and 3(b) are not present before the Court.

2. By this Chamber Summons the learned counsel for the Appellants is seeking to bring on record the Legal Heirs of the deceased Respondent No.3. The learned counsel for the Respondent No.3 (c) categorically states that the Respondent No.3 (c)-Balchandra Vishwanath Rawat is sole Legal Heir of Respondent No.3 whereas the Respondent Nos.3(a) and 3(b) have nothing to do. In view thereof, in place of original Respondent No.3, Respondent No.3(c) be impleaded as Respondent No.3(a) and be re-numbered accordingly. The affidavit of service is taken on record.

3. Perused the Chamber Summons and affidavit in support thereof. For the reasons stated therein, sufficient cause is made out to grant chamber summons and the delay in taking out this chamber summons is condoned. There is no case of inaction, negligence or for want of bonafide on the part of the Appellant. The abatement order dated 16.6.2007 is set aside. The

legal heir is allowed to be impleaded.

4. Amendment to be carried out within a period of four weeks from today. Appeal be placed on board for final hearing on 21st January, 2008. Amended copy be served on Respondent No.3(a) and also on Respondent Nos.1 and 2.

**(ANOOP V. MOHTA, J.)** **(DR.S.RADHAKRISHNAN,J.)**